

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A recording and playback apparatus for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback apparatus comprising:

a judgment means for determining mechanism to determine whether or not to correct focus precision ~~in an operation to record~~ when recording data onto an Nth track of said recording medium or ~~play~~ playing back data from said Nth track;

a computing means for computing mechanism to compute a performance function value on a jitter value or amplitude of an RF signal obtained from an already recorded track ~~neighbor~~ in the neighborhood of said Nth track; and

a correction means for correcting mechanism to correct said focus precision if said judgment ~~means~~ mechanism determines to correct said focus precision in said ~~operation to record~~ recording data onto said Nth track of said recording medium or ~~play~~ playing back data from said Nth track, said correction ~~means~~ mechanism operating to correct said focus precision by using said performance function value.

Claim 2 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said judgment ~~means~~ mechanism ~~is capable of forming forms~~ a judgment to correct said focus precision if a predetermined period of time is determined to have lapsed.

Claim 3 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said judgment ~~means~~ mechanism ~~is capable of forming forms~~ a judgment to correct said focus precision if a temperature inside a disk drive setting said recording medium is determined to have increased by a predetermined temperature raise.

Claim 4 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said correction ~~means~~ mechanism ~~is capable of correcting~~ corrects said focus precision by using a signal played back from an (N-1)th track immediately preceding said Nth track.

Claim 5 (Currently Amended): A recording and playback apparatus according to claim 1 wherein said correction ~~means~~ mechanism ~~is capable of correcting~~ corrects said focus precision by determining a focus-bias value f_d that provides the absolute value of a difference within a threshold value k where said difference is a difference in amplitude or a difference in jitters value between a signal obtained at a focus bias of $(f_d + a)$ and a signal obtained at a focus bias of $(f_d - a)$, and notation a denotes a change quantity.

Claim 6 (Currently Amended): A recording and playback method for recording data onto a predetermined recording medium and playing back said data from said recording medium, said recording and playback method comprising:

~~a judgment step of determining whether or not to correct focus precision in an operation to record~~ when recording data onto an Nth track of said recording medium or ~~play~~ playing back data from said Nth track;

~~a computing step for~~ computing a performance function value based on a jitter value or amplitude of an RF signal obtained from an already recorded track in the neighborhood of said Nth track; and

~~a correction step for~~ correcting said focus precision if it is determined ~~at said judgment step~~ to correct said focus precision in ~~said operation to record~~ recording data onto said Nth track of said recording medium or ~~play~~ playing back data from said Nth track, said

~~correction step~~ correcting operating to correct said focus precision by using said performance function value.

Claim 7 (Currently Amended): A ~~recording~~ computer readable medium ~~for recording~~
~~a program to be~~ storing computer program instructions which when executed by a computer
~~to record~~ that records data onto a predetermined recording medium and ~~play~~ plays back said
data from said recording medium, ~~said program comprising:~~ and is programmed with the
instructions causes the computer to perform the following steps:

a judgment step of determining whether or not to correct focus precision ~~in an~~
~~operation to record~~ when recording data onto an Nth track of said recording medium or ~~play~~
playing back data, from said Nth track;

a computing step for computing a performance function value based on a jitter value
or amplitude of an RF signal obtained from an already recorded track in the neighborhood of
said Nth track; and

a correction step for correcting said focus precision if it is determined in said
judgment step to correct said focus precision in ~~said operation to record~~ recording data onto
said Nth track of said recording medium or ~~play~~ playing back data from said Nth track, said
correction step operating to correct said focus precision by using said performance function
value.

Claim 8 (Currently Amended): A recording and playback apparatus according to
claim 1 wherein ~~said~~ a performance function curve includes shapes that vary in dependence
on said recording medium.

Claim 9 (Currently Amended): A recording and playback apparatus according to claim 1 wherein ~~said~~ a performance function curve includes shapes that vary in dependence on temperature of said recording medium.

Claim 10 (Canceled).

Claim 11 (Previously Presented): A recording and playback apparatus according to claim 1, wherein said performance function value is adapted to a function curve that provides more abrupt slope at the peak of the curve.

Claim 12 (Previously Presented): A recording and playback method according to claim 6, wherein said performance function value is adapted to a function curve that provides more abrupt slope at the peak of the curve.